

LAVALETTE BOARD OF EDUCATION

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Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

To Whom It May Concern:

Appeal

The Lavalette Board of Education (“the district”) hereby requests that the Form 471 Application Number 430991 be certified as having been filed within the filing window.

The Form 471 was submitted within the filing window. Using the online application, the application was submitted on February 4, 2004. The certification pages were mailed the next day.

The district was misled by the SLD’s instructions into believing that the certification page could be mailed after the close of the filing window, as long as the complete Form 471 was submitted online.

The SLD’s guidance on filing the Form 471 online states: “The deadline for submitting your Form 471 for Funding Year 2003 is February 6, 2003 at 11:59 PM EST,” and that “you submit the form by clicking the ‘Submit’ button.”¹ The instructions state that as long as the “Submit” button was clicked before the deadline, the form is submitted within the window.

The *Instructions for Completing the Schools and Libraries Universal Service Services Ordered and Certification Form (FCC Form 471)* also imply that the certification page is not due at the time of filing. The instructions read as follows:

If You Are Filing Online: You may complete and submit the Form 471 by filing the Form online at the SLD web site www.sl.universalservice.org. If filing your Form 471 online, you must also complete and submit to the SLD the following documents in order to successfully complete the submission of your Form 471 application:

- the Item 21 description(s) of services, and

¹ <http://www.sl.universalservice.org/ContentInc/reference/471IntFilingGuide.asp>

- the Block 6 Certification with the signature of the authorized person (whether online or on paper)²

Listing the Block 6 Certification after the Item 21 attachments implies that the certification page can be submitted at the same time as the Item 21 attachments, which do not need to be submitted inside the window. That implication is strengthened in the Specific Instructions section, which states: "Mail...the signed Block 6 certification page along with your Item 21 Description of services."³

The Lavalette Board of Education requests that the Form 471 Application Number 430991 be certified "in-window," and the included FRNs be funded.

Request for Waiver

Should the Commission not overturn the SLD's decision to consider the Form 471 as filed outside the window, the district requests that the Commission grant a waiver of the Form 471 filing deadline, as the district was misled by the SLD's instructions for filing the Form 471, as detailed above.

If you have any questions, please feel free to call me.

Sincerely,

Patricia Christopher
School Business Administrator/Board Secretary

² <http://www.sl.universalservice.org/ContentInc/reference/471Tips.asp>, page 5

³ <http://www.sl.universalservice.org/ContentInc/reference/471Tips.asp>, page 27